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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,421	02/28/2002	Yasushi Ishii	FS.F5520US1CP	8152

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EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,421

Applicant(s)

ISHII, YASUSHI

Examiner

Ed Swinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-35 is/are allowed.
- 6) ☒ Claim(s) 1, 5-10 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 11-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,5-7,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama et al. '180.

'180 discloses the claimed invention, including a support member (spacer plate) including third and fourth passage sections **116** and **121**. A detachable C-shaped exhaust unit houses a catalyst, and also communicates with the third and fourth passages.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. '180.

'180 fails to disclose a plurality of catalyst, however, the mere duplication of existing structure is not considered to provide a patentable distinction in the art.

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Such would have been obvious to one of ordinary skill in the art at the time of the invention.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. '180 in view of Kaneko et al.

Nakayama et al. '180 fails to specifically mention a plurality of catalyst as claimed.

Kaneko et al., teaches serially arranged catalyst for treating different pollutants.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide serially arranged catalysts to Nakayama et al. '180 as taught by Kaneko et al.

Such a combination would have been desirable at the time the invention was made so as to provide for cleaner exhaust gas.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. '180 in view of Woodward.

Nakayama et al. '180 fails to disclose a water jacket as claimed.

Woodward teaches a water jacket surrounding the catalyst of an outboard motor.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a water jacket to Nakayama et al. '180 as taught by Woodward.

Such a combination would have been desirable at the time the invention was made so as to provide for assurance that the catalyst is not damaged from heat, and catalyst heat does not excessively heat the engine compartment.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. '180 in view of Motose et al.

Nakayama et al. '180 fails to disclose sensors as claimed.

Motose et al. teaches an air/fuel sensor positioned as claimed.

9. Claims 19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. '180 in view of Fujimoto '610.

Nakayama et al. '180 fails to disclose an EGT sensor.

Fujimoto teaches the use of an EGT sensor positioned as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Nakayama et al. '180 with an EGT sensor to aide in engine control as taught by Fujimoto.

The orientation of the sensor is considered to have been an obvious design consideration, obvious to the ordinary routineer working in the art providing no unexpected results.

10. Claims 2-4 and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 24-35 are allowed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner works a flexible work schedule, and can normally be reached Mondays to Fridays before 2:00 P.M. EST.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ed Swinehart
Primary Examiner
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A handwritten signature in black ink, appearing to be 'Ed Swinehart', written over the printed name.

August 7, 2003